

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR-16 zone to an BL zone, for the reasons given in the attached statement; and (2) that the Board of Appeals, pursuant to the said Zoning Law, grant a Special Exception to the said property for the use of the property as a medical center use (including the practice of Dentistry) as shown on the attached plat.

Under the D.R. 16 zoning on this .33 acres, not enough units could be erected to make the project feasible. He testified, however, under the R.O. classification the present dwelling could be converted to office use or with a Special Exception a new Class "B" office could be erected. He further testified that the present building could not be converted to multiple family use, since it could not meet the fire code for such conversion.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) WARREN A. BRILL
Signature: *Warren A. Brill*
Street or Box: ROBERT S. MARTIN
City and State: (Type or Print Name)
City and State: *Harvey Solomon*
Attorney for Petitioner: 1001 North Point Boulevard
Robert J. Romadka/John Gontrum
(Type or Print Name) Baltimore, Maryland 21224
Signature: *Robert J. Romadka*
City and State: 809 Eastern Blvd.
Street or Box: Name and telephone number of legal owner, contract purchaser or representative to be contacted
Baltimore, MD 21221 Robert J. Romadka
City and State: Name
686 7274
Attorney's Telephone No.: 686 9274 Telephone No.

BANC-Form 1

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 16 to B.L. zone
NE corner North Point Rd. and
Braddock Ave., 15th District
OF BALTIMORE COUNTY
WARREN A. BRILL, et al,
Petitioners : Case No. 82-62-R (Item 2, Cycle I)

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me on any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 6th day of August, 1982, a copy of the foregoing Order was mailed to Robert J. Romadka, Esquire and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorneys for Petitioners.

John W. Hession, III
John W. Hession, III

IN THE MATTER :
OF THE APPLICATION :
OF WARREN A. BRILL, et al :
FOR REZONING OF PROPERTY :
LOCATED ON THE NORTHEAST :
CORNER OF NORTH POINT ROAD :
AND BRADDOCK AVENUE :
FROM D.R. 16 to B.L. :
15th District :
BALTIMORE COUNTY
No. R-82-61 and
R-82-62

OPINION

This case comes before this Board on Petition for a Reclassification of property located on the northeast corner of North Point Road and Braddock Avenue, from its present zoning of D.R. 16 to either R.O. as allowed under Bill 13-80 or B.L. classification, either of which would permit petitioner his proposed use of the property. Since the enactment of Bill 13-80, which became effective April 23, 1980, the R.O. classification appears to better satisfy petitioners' requirements and therefore the thrust of their testimony was to acquire R.O. zoning for this parcel rather than B.L. zoning. Case was heard this day in its entirety.

Testimony presented this Board indicates the subject site contains some .33 acres and is one of nine (9) existing residences on individual lots. The total area in which these nine homes are encompassed, contains some 2.2 acres zoned D.R. 16. This 2.2 acre area is now almost totally surrounded by land zoned either BL-CSA or R.O. As is the case with many small residential enclaves developed prior to Baltimore County zoning laws, this small parcel has survived, even though commercial or business uses have developed and now almost completely encircle it. Thus it now survives as a perfect example of spot zoning, only this time it is a spot zoning of residential use within a business oriented area. It, however, does exist, and has for many years, and as such it deserves whatever protection can reasonably be provided from the impact of uncontrolled commercial or business uses. For this reason, the Board will consider only the reclassification from D.R. 16 to R.O. and will deny the request for B.L. zoning.

Mr. Paul Lee, a Registered Professional Engineer, testified that by today's standards, with the setback requirements, the present residence could not exist.

Warren A. Brill, et al
Case No. R-82-61 - R-82-62

Under the D.R. 16 zoning on this .33 acres, not enough units could be erected to make the project feasible. He testified, however, under the R.O. classification the present dwelling could be converted to office use or with a Special Exception a new Class "B" office could be erected. He further testified that the present building could not be converted to multiple family use, since it could not meet the fire code for such conversion. Mr. Frederick Klaus, a Real Estate expert, testified that the requested R.O. zoning would not be detrimental to the remaining eight (8) homes, but would in fact be a step toward increasing their value. He also noted that this property was an issue on the 1980 Comprehensive Map Process along with the other eight parcels, and that the Planning Board and the Planning Staff recommended R.O. for the entire 2.2 acres, but the Council retained the D.R. 16 classification. Dr. Warren A. Brill, Petitioner, testified that he and two other doctors purchased this parcel with the hope they could use the property to preferably erect a Class B office building for their sole use only, no office area to be leased out or rented. All three doctors are now renting individual office space in the general neighborhood and would like this consolidation to be permitted. This generally concludes Petitioners' case.

Mr. James Hoswell, Planner for Baltimore County, testified in opposition to granting the requested R.O. zoning. He noted that his department did in fact recommend R.O. zoning for this site but only comprehensively with the entire 2.2 acres included. He opposed this "piece meal" approach to this parcel. He noted that there are still viable uses for this parcel under D.R. 16 and that there is already ample B.L. zoning available in this area. For these reasons, he opposed granting R.O. at this time and thought the matter better handled comprehensively during the next mapping process.

The Board agrees with Mr. Hoswell very much in principle. The Board however feels that the Council erred in retaining D.R. 16 on this parcel for the following reasons.

Warren A. Brill, et al
Case No. R-82-61 - R-82-62

The subject site meets exactly the criteria designed in Bill 13-80 for the establishment of the R.O. zoning. It follows precisely the purpose of R.O. zoning as established in Sections A, B, and C of the Bill. It also complies completely with Sec. 203.2 of the Baltimore County Zoning Regulations. There is, however, no testimony before this Board that the County Council was aware that the property was purchased by three doctors who then sought the R.O. classification. While the petition before this Board is on an "open plat", the Board cannot help but note that Section 101, definition of a Class B office building, specifically states, "Is devoted primarily to office use, clinic or group medical center use (including the practice of Dentistry) . . ." (emphasis added) and that the petitioners are all doctors. This site is on the corner of a major artery serving a large business area and would not actually intrude into the remaining eight residences. With the requirements necessary to use the R.O. classification for either a Class A or Class B office building, the Board can find no further detrimental effect to this neighborhood, but would agree with Mr. Klaus that it should increase the value of the remaining residences. For all these reasons, the Board will grant the requested reclassification from D.R. 16 to R.O. and will so order.

ORDER

For the reasons stated in the foregoing Opinion, it is this 9th day of June, 1982, by the County Board of Appeals, ORDERED that the reclassification from D.R. 16 to R.O. on the property located on the northeast corner of North Point Road and Braddock Avenue as requested under case #R-82-62 BE GRANTED and that the B.L. reclassification on the same property under case #R-82-61 BE DENIED.

Warren A. Brill, et al
Case No. R-82-61 - R-82-62

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Patricia Phipps
Patricia Phipps

Leroy B. Spurr
Leroy B. Spurr

ROBERT J. ROMADKA
ATTORNEY AT LAW
BALTIMORE, MARYLAND

RECLASSIFICATION PETITION *
FROM DR-16 to BL *
OF *
WARREN A. BRILL *
ROBERT S. MARTIN *
HARVEY SOLOMON *
OF BALTIMORE COUNTY

MEMORANDUM OF REASONS FOR RE-CLASSIFICATION

The subject property is located in the Sixth Councilmanic District on the north-east corner of Braddock Avenue and North Point Road. The improvements on the property, a single family frame dwelling, is known as 7701 Braddock Avenue. The current zoning classification is DR-16, but this classification is wholly inappropriate to the size of the property and to the surrounding uses and manifests gross error.

The tract for which reclassification is sought is comprised of three lots with a total area of 14,400 square feet. The small size of the lot is not compatible with zoning and building regulations covering multi-family dwelling units. A DR-16 zone has a maximum gross residential density of sixteen dwelling units per acre. The minimum number of offstreet parking spaces per dwelling unit is 1.53 spaces per unit. At least fifteen percent (15%) of the gross site area must be used for local open space tracts. B.C.Z.R. 1B02.2A (Bill No. 100, 1970) A high density residential use of this small tract is simply not feasible. The current zoning, therefore, is not appropriate.

The population trend in the immediate area is downward. In the last ten years much of the surrounding area has been developed for business and professional offices. Immediately adjacent to the property is the Eastpoint Office Park, a sizeable complex of business and professional offices. It is zoned BL in a CSA district. Across North Point Road is a current PO zone. A few hundred yards further down North Point Road is a fire station. Within a hundred yards from the subject property across

Braddock Avenue is a BL-CSA zone district containing numerous professional offices and businesses which front on North Point Boulevard. Indeed, the immediate area encompassing the subject tract is used as a service commercial area for a community or town-center commercial core. Eastpoint Shopping Center is within a few hundred yards of this property. The existing DR-16 zoning on this particular tract accomplishes none of the purposes envisioned by a CSA district and adds nothing to the development of the community.

The community would be much better served if the zoning on this property was reclassified to BL. The impetus of change over the last few years has been toward a commercial service area. The surrounding locale is now used to serve the community by business and professional offices. It serves as a hub for the southeastern portion of the community. To hold this single tract out from an area now actively serving the general community not only thwarts the development trend in the neighborhood but also is antithetical to planned development.

Local transportation, utility service, and other public facilities, of course, are more than adequate to serve the proposed BL use. North Point Road is able to provide ample access to the site. It intersects with Merritt Boulevard barely a thousand feet to the east of the property. About a half-mile to the west North Point Road intersects with Eastern Boulevard. Based on available access, therefore, use of the property as zoned BL is ideal.

Public water and sewerage are available to the site. The drain on these and other public facilities, however, would be less if the property were to be used for business purposes than for intensive residential use.

During the 1980 Comprehensive Zoning Map review the staff of the Office of Planning and Zoning proposed a change from the current DR 16 classification. This proposal was unopposed and

was adopted by the Planning Board. Issue 6-45 originated with the planning staff and pertained not only to the subject tract but also to the entire DR-16 zone comprised of 2.1 acres of which the subject property is a part. Clearly, it was the view of the planning professionals of the county that the community would be better served by a business use for this property. The proposals of the Planning Board and the rationale behind the proposals were not adopted by the Council despite a lack of opposition, and this constitutes error.

For these reasons and such other and further reasons as will be presented at a hearing on the proposed re-classification we respectfully petition that the reclassification of the zoning on this site be changed from DR-16 to BL.

Robert J. Romadka
Robert J. Romadka

John B. Gontrum
John B. Gontrum
809 Eastern Boulevard
Baltimore, MD 21221
686 8274

ROBERT J. ROMADKA
ATTORNEY AT LAW
ESSEX, MARYLAND

-3-

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 29, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ofo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Robert J. Romadka and
John B. Gontrum, Esquires
809 Eastern Blvd.
Baltimore, Maryland 21221

RE: Item No.2 (Cycle 1 - April-Oct. 1981)
Petitioner - Warren A. Brill, et al
Reclassification Petition

Gentlemen:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the 1st 1980-81 zoning cycle.

The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee.

The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before May 29th. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

The subject property, currently zoned D.R.16 and proposed to be rezoned to B.L., is located on the northwest corner of North Point Road and Braddock Avenue in the 15th Election District and is improved with a dwelling and storage shed. Adjacent properties to the north along Braddock Avenue are similarly zoned and are improved with individual dwellings, while the Eastpoint Office Park, zoned B.L., and the Eastpoint Medical Center, zoned R-O, exist to the east and south, respectively.

This particular petition represents one of two requests for this property. The other request is to rezone this site from a D.R.16 to a R-O zone and is listed as Item No.1 in this cycle.

Item No.2 Cycle No.1
Warren A. Brill, et al
Reclassification Petition

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between September and December of 1981, will be forwarded to you in the future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEC:bac

Enclosures

cc: Mr. Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237



HARRY J. PISTEL, P.E.
DIRECTOR

March 31, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Court House
Towson, Maryland 21204

Re: Item #2 (Cycle I - April-Oct. 1981)
Property Owner: Warren A. Brill & Robert S. Martin
N/E corner North Point Rd. & Braddock Ave.
Existing Zoning: D.R. 16
Proposed Zoning: BL
Acres: 120 x 120.38 District: 15th

Dear Mr. Reiter:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in connection with the Zoning Advisory Committee review of this property for Item #1 of this present Cycle I (April-October 1981) are also applicable for this Item #2 Cycle I (April-October 1981).

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley

B-NW Key Sheet
3 SE 21 Pos. Sheet
SE 1 P Topo
96 Tax Map



James J. O'Donnell
Secretary
M. S. Callender
Administrator

March 23, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Cycle I - 1981
Meeting of 3-16-81

ITEM: #2
Property Owner: Warren A. Brill & Robert S. Martin
Location: N/E corner North Point Road (Route 20) & Braddock Ave.
Existing Zoning: D.R. 16
Proposed Zoning: B-L
Acres: 120 x 120.38
District: 15th

Dear Mr. Reiter:

On review of the plan of February 28, 1981 and field inspection, any direct access from North Point Road (Route 20) would involve improvements to the highway frontage with widening, paving, curbing and sidewalks.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

George Wittman
By: George Wittman

CL:GW:vrd

RECEIVED
BALTIMORE COUNTY
MAR 15 10 45 AM '81
COUNTY CLERK
OF BALTIMORE

My telephone number is (301) 659-1350

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203



NORMAN E. GERDER
DIRECTOR

April 14, 1981

Mr. Walter A. Reiter, Jr., Chairman
Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #2, Zoning Cycle I, April, 1981, are as follows:

Property Owner: Warren A. Brill & Robert S. Martin
Location: NE/Corner North Point Road and Braddock Avenue
Existing Zoning: D.R.16
Proposed Zoning: B.L.
Acres: 120 X 120.38
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The subject property is in a traffic level-of-service area controlled by a "D" intersection.

If the petition is granted, a detailed site plan must be approved before any development or use may be changed.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development



STEPHENE COLLINS
DIRECTOR

March 30, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Office of Law
Court House
Towson, Maryland 21204

Item No. 2 - ZAC - Meeting - March 16, 1981
Property Owner: Warren A. Brill & Robert S. Martin
Location: NE/Corner North Point Rd. & Braddock Avenue
Existing Zoning: D.R. 16
Proposed Zoning: BL
Acres: 120 x 120.38
District: 15th

Dear Mr. Reiter:

The present D. R. 16 zoning can be expected to generate approximately 35 trips per day and the proposed B. L. zoning can be expected to generate 150 trips per day.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

MSF/bza

April 2, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Cycle I, #2, Zoning Advisory Committee Meeting of
March 16, 1981, are as follows:

Property Owner: Warren A. Brill & Robert S. Martin
Location: NE/Corner North Point Road & Braddock Avenue
Existing Zoning: D.R. 16
Proposed Zoning: BL
Acres: 120 x 120.38
District: 15th

Metropolitan water and sewer exist.

The zoning plan as submitted, does not contain sufficient information; therefore the Baltimore County Department of Health cannot make complete comments.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF:mgf

PAUL H. RENCKY
CHIEF

March 19, 1981

Mr. William Hammond cc: Walter Reiter
Zoning Commissioner Chairman of Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Warren A. Brill & Robert S. Martin

Location: NE/Corner North Point Road & Braddock Avenue

Item No.: 2 Zoning Agenda: Meeting of March 16, 1981

Citizens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

XX) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Walter Reiter
Board of Appeals Chairman Date: March 27, 1981
Mr. Charles E. Burnham
Plans Review Chief- Permits and Licenses
FROM: Cycle I - 1981
SUBJECT: RE: Cycle Zoning March 24, 1981

PROPERTY OWNER: Warren Brill and Robert S. Martin
LOCATION: N/E Corner North Point Road and Braddock Avenue
EXISTING ZONING: D.R. 16
PROPOSED ZONING: BL
ACRES: 120 X 120.38
DISTRICT: 15th

ITEM NO. 2

Existing structures do require a change of occupancy permit when a change in use of the structure is proposed. (Section 105.2). Additionally the building is also required to be brought in to Code compliance with the requirements for the new use.

Compliance to the State Handicap Code is required and in some instances compliance to the energy requirement of the B.O.C.A. Code, Article 20 may be required.

Permits are required to do any alterations, additions or other work other than maintenance.

The proposed new use would be "B" Business as defined in Section 204.0 B.O.C.A. Code, 1978 Edition.

NOTE: All comments are based on data provided on site plan and data provided by the Zoning Advisory committee.
Comments in many cases cannot be more specific or advisory due to the limited information.

[Signature]
Charles E. Burnham
Plans Review Chief

CEB:rrj

CC: Nick Commodari

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 23, 1981

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #1 March 16, 1981

RE: Item No: 1 and 2
Property Owner: Warren A. Brill & Robert S. Martin
Location: NE corner North Point Rd. & Braddock Ave.
Present Zoning: D.R. 16
Proposed Zoning: R-O

School Situation

School	Enrollment	Capacity	Over/Under
--------	------------	----------	------------

Comment: Acreage too small to have an effect on student population.

Student Yield With:

Existing Zoning	And	Proposed Zoning
-----------------	-----	-----------------

Elementary
Junior High
Senior High

Very truly yours,

[Signature]
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

August 26, 1981

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Re-classification
NE/cor. of North Point Rd. & Braddock Ave.
Warren A. Brill, et al - Petitioners
Case #A-82-62- Item 2 - Cycle I

Dear Mr. Romadka:

This is to advise you that \$49.00 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

February 28, 1981

Northeast corner of North Point Road and Braddock Avenue
15th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the north side of North Point Road with the east side of Braddock Avenue, thence running and binding on the east side of Braddock Avenue North 33 degrees 45 minutes East 120.38 feet, thence leaving Braddock Avenue for two lines of division as follows:- South 60 degrees 45 minutes East 120 feet and South 33 degrees 45 minutes West 120.38 feet to the north side of North Point Road, thence running and binding on the north side of North Point Road North 60 degrees 45 minutes West 120 feet to the place of beginning.

Being known and designated as lots 2A, 4A and 6A on the plat of Braddock Heights and recorded in Plat Book 12/43.



OFFICE COPY

PETITION FOR RE-CLASSIFICATION

15th DISTRICT

ZONING: Petition for Re-classification
LOCATION: Northeast corner of North Point Road and Braddock Avenue
DATE & TIME: Wednesday, September 2, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 219, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

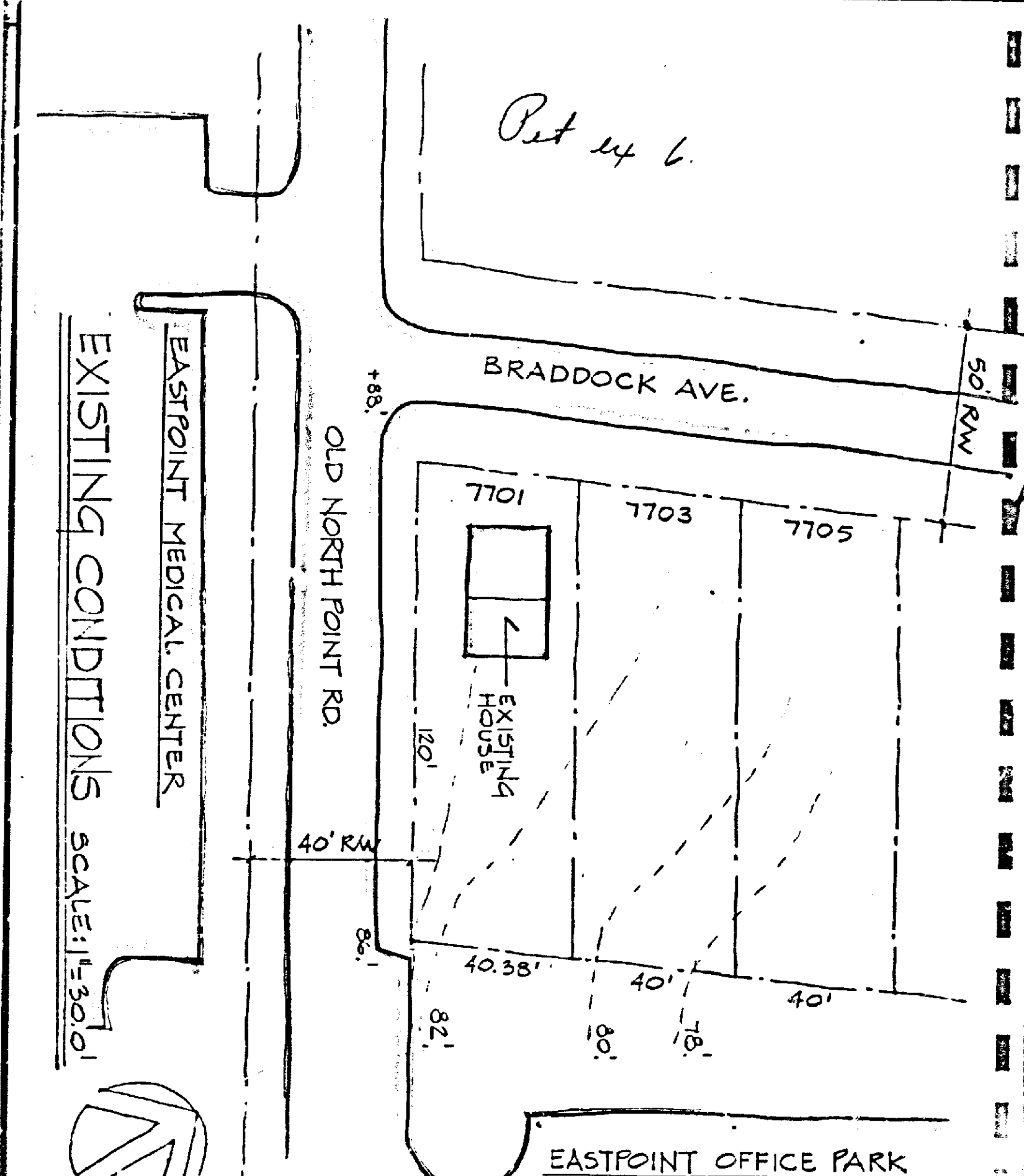
Present Zoning: D.R. 16
Proposed Zoning: B.L.

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Warren A. Brill, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, September 2, 1981 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
(GERMANIA FEDERAL BUILDING)
ESSEX, MARYLAND 21221

ASSOCIATES
CHARLES E. FOGG, III
JOHN B. GONTRUM
ALFRED M. WALPERT

August 26, 1981

686-8274

Mr. Robert Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Re: Case Number R-82-61, Item #1
Case Number R-82-62, Item #2
Warren A. Brill, et al

Dear Chairman Hackett:

Please be advised that we are in receipt of your letter of the 18th instant, and have discussed same with our clients. It is their decision to postpone the above referenced cases until such time if there is a definitive ruling by the courts on the question of the validity of the 1980 maps.

We wish to thank you very much for your cooperation and consideration in this matter. If there is any further documentation which the Board requires with respect to these cases, please let me know.

Very truly yours,

John B. Gontrum
John B. Gontrum

JBG/lrr

RECEIVED
BALTIMORE COUNTY
Aug 31 8 42 AM '81
COUNTY BOARD
OF APPEALS
BY

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 31, 1981

John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Md. 21221

Re: Case Number R-82-61, Item #1
Case Number R-82-62, Item #2
Warren A. Brill, et al

Dear Mr. Gontrum:

Your request for postponement of this case will be granted by the County Board of Appeals. However, since the applicable provisions of the Charter require that the case and the assigned hearing date be advertised, both in the newspaper and by posting, it will be necessary that we continue with this procedure. Further, to make certain that all requirements are met, it will be necessary that on the morning of the day upon which the case is assigned, the record be opened and the fact of the postponement and the grounds therefore be read into the record, and the postponement be formally granted.

Accordingly, it is requested that you, or someone representing you, appear on the morning of the scheduled date so that we can complete this formality, which is necessary for the Petitioner's protection. You need not, of course, be accompanied by either parties or witnesses for this purpose. In addition to making certain that all legal requirements with regard to the scheduling, advertising, notification, and opening the record of the case are met, this procedure will also give the Board the opportunity to explain the facts concerning the postponement and the reasons therefore to any interested parties who appear on the scheduled day pursuant to the advertisement.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:ae

cc: Warren A. Brill, et al
John W. Hession, III, Esq.

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
(GERMANIA FEDERAL BUILDING)
ESSEX, MARYLAND 21221

December 3, 1981

686-8274

Ms. Karen Riegel
Room 113
County Office Building
Towson, Maryland 21204

RE: Warren A. Brill
Case #R-82-61 & R-82-62

Dear Ms. Riegel:

Enclosed please find my check in the amount of \$102.62 representing payment for the second full page add of the cycle 1 billing in the above referenced case.

Very truly yours,

John B. Gontrum
John B. Gontrum

klg

cc: Warren A. Brill

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 102663

DATE 12/7/81 ACCOUNT 01-662

AMOUNT \$102.62

RECEIVED FROM John B. Gontrum, Esquire
2nd full page add for Cases #R-82-61 and R-82-62
FOR Warren A. Brill, et al

1407500 8 1026244

VALIDATION OR SIGNATURE OF CASHIER

RECEIVED
BALTIMORE COUNTY
Dec 8 11 26 AM '81
COUNTY BOARD
OF APPEALS

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
March 10, 1982

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Md. 21221

Re: Case No. R-82-62 and
Case No. R-82-61
Warren A. Brill, et al

Dear Mr. Romadka:

On August 18, 1981, we notified you that there were pending in the Circuit Court three cases that could possibly have serious impact on the petition for rezoning in the above entitled case which was pending before the Board of Appeals.

At that time it appeared that we could get a final judgment on these three cases in a matter of months. Since then the request for settlement of these cases by Summary Judgment has been denied, and there appears to be no movement toward a full trial or any final judgment.

In view of these developments, the Board wishes to advise you that we will entertain your request for rescheduling of this case if you so desire.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:ae

cc: John B. Gontrum, Esquire
Warren A. Brill, et al

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
(GERMANIA FEDERAL BUILDING)
ESSEX, MARYLAND 21221

March 8, 1982

William T. Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

RE: Warren A. Brill, et al
Case No. R-8261 R-8262

Dear Chairman Hackett:

Last fall, in response to your letter of August 31, 1981, we requested a postponement of the above referenced cases due to the pending litigation. At that time it appeared to be a prudent move due to the seriousness of the charge involving the maps.

A recent review of those cases has indicated to us that the decision rendered on them are unlikely to affect the above referenced cases and we would, most respectfully, ask that these cases be set for a hearing on the re-classification. I am aware of your August 18, 1981 letter with respect to setting these cases back in your crowded schedule, but would most earnestly request that these cases be reset. My clients are most desirous in determining their position in this matter.

As you may know, Dr. Brill and his associates are Dentists, and if the re-classification is granted, they would wish to open an office for their own use on the premises for which the re-classification is sought, and due to economic conditions, they would like some resolution of this matter.

Very truly yours,

John B. Gontrum
John B. Gontrum

JBG:klg

cc: Warren A. Brill

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

August 7, 1981

NOTICE OF HEARING

RE: Petition for Re-classification
NE/cor. of North Point Rd. & Braddock Ave.
Warren A. Brill, et al - Petitioners
Item #2, Cycle 1
Case #82-62-R

TIME: 10:00 A.M.

DATE: Wednesday, September 2, 1981

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

9/2/81 - Continued in open hearing. Per WTH

3/17/82 - Continued hearing scheduled for THURSDAY, MAY 13, 1982 at 10 a.m.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
March 17, 1982

NOTICE OF ASSIGNMENT
CONTINUED HEARING

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-61
and
CASE NO. R-82-62
WARREN A. BRILL, ET AL
WARREN A. BRILL, ET AL

For reclassification from DR 16 to BL and R0
NE corner North Point Road and Braddock Ave.
15th District

ASSIGNED FOR: THURSDAY, MAY 13, 1982 at 10 a.m.

cc: Robert J. Romadka, Esq. Counsel for Petitioners
John B. Gontrum, Esq. " " "
Warren A. Brill, et al Petitioners
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. Howell
Board of Education
John W. Hession, III, Esq. People's Counsel

Edith T. Eisenhart, Adm. Secretary

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
June 9, 1982

Robert J. Romadka, Esq.
John B. Gontrum, Esq.
809 Eastern Blvd.
Baltimore, Md. 21221

Re: Case No. R-82-61 and 62
Warren A. Brill, et al

Gentlemen:
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Jane Holmen
Jane Holmen, Secretary

Encl.
cc: Warren A. Brill, et al
W. E. Hammond
J. E. Dyer
N. E. Gerber
J. Howell
Board of Education
J. W. Hession, Esq.

WILLIAM F. HAMMOND
ZONING COMMISSIONER

Robert J. Romadka and
John B. Conrum, Esquire
809 Eastern Blvd.
Baltimore, Maryland 21221

June 30, 1981

RE: Item No. 2 - Cycle No. 1
Petitioner - Warren A. Brill, et al
Reclassification Petition

Gentlemen:

This is to advise you that \$77.15 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William F. Hammond
WILLIAM F. HAMMOND
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

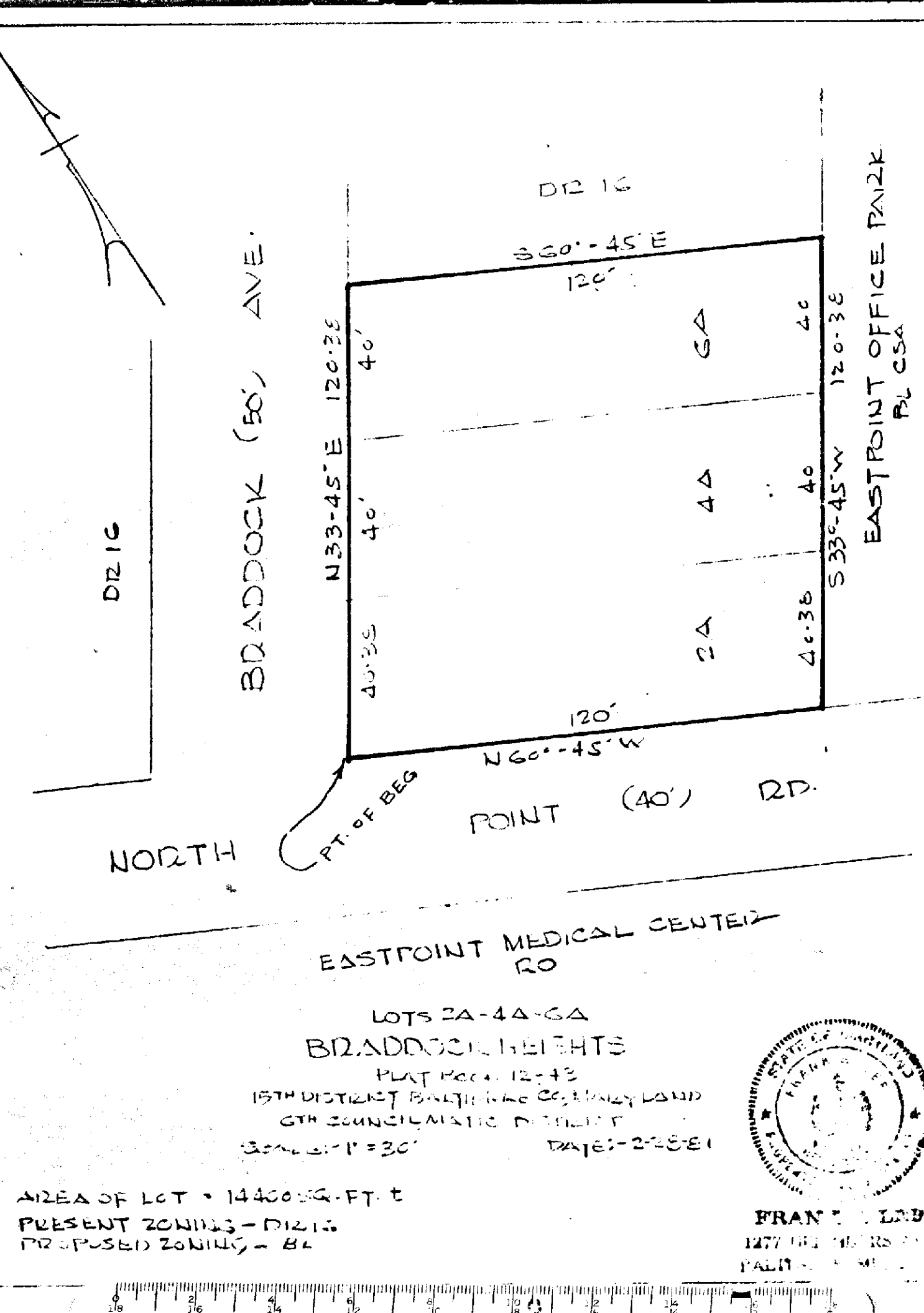
No. 100410

DATE 7/27/81 ACCOUNT 01-662

AMOUNT \$77.15
RECEIVED FROM BMS Orthodontic Laboratory, Inc.
FOR 1st Advertising of Item 2, Cycle 1

3454511 20 77.15

VALIDATION OR SIGNATURE OF CASHIER



PETITION FOR RECLASSIFICATION
15th DISTRICT
ZONING: Petition for Re-Classification
LOCATION: Northeast corner of North Point Road and Braddock Avenue
DATE & TIME: Wednesday, September 2, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland.
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing.
Proposed Zoning: B.L.
All that parcel of land in the Fifteenth District of Baltimore County, beginning for the same at the corner formed by the intersection of the north side of North Point Road with the east side of Braddock Avenue, thence running and binding on the east side of Braddock Avenue North 88 degrees 45 minutes East 120.38 feet, thence leaving Braddock Avenue for two lines of division as follows: South 80 degrees 45 minutes East 120 feet and South 22 degrees 45 minutes West 120.38 feet to the north side of North Point Road, thence running and binding on the north side of North Point Road North 60 degrees 45 minutes West 120 feet to the place of beginning. Being from and designated as lots 2A, 4A and 6A on the plat of Braddock Heights and recorded in Plat Book 12/48.
Being the property of Warren A. Brill, et al, as shown on plat plan filed with the Zoning Department.
Hearing Date: Wednesday, September 2, 1981 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland.
By Order of
WILLIAM T. HACKETT,
Chairman
County Board of Appeals
of Baltimore County
Aug. 12

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 12, 1981
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. ~~once~~ ^{one} time, ~~successive~~ ^{successive} weeks before the 2nd day of September, 1981, the first publication appearing on the 13th day of August 1981.

THE JEFFERSONIAN,
B. Leach Smith
Manager.

Cost of Advertisement, \$.....

R-32-62

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 3/14/81
Posted for: Petition for Reclassification
Petitioner: Warren A. Brill, et al
Location of property: 1516 North Point Rd. and Braddock Ave.
Location of Signs: signs intersection of North Point Rd. and Braddock Ave.
Remarks: *Brill, et al*
Posted by *Brill, et al* Date of return: 3/21/81
1 sign

Petition For Re-Classification

15th DISTRICT
ZONING: Petition for Re-Classification
LOCATION: Northeast corner of North Point Road and Braddock Avenue
DATE & TIME: Wednesday, September 2, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland.
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By Order of
WILLIAM T. HACKETT,
Chairman
County Board of Appeals
of Baltimore County
Aug. 12

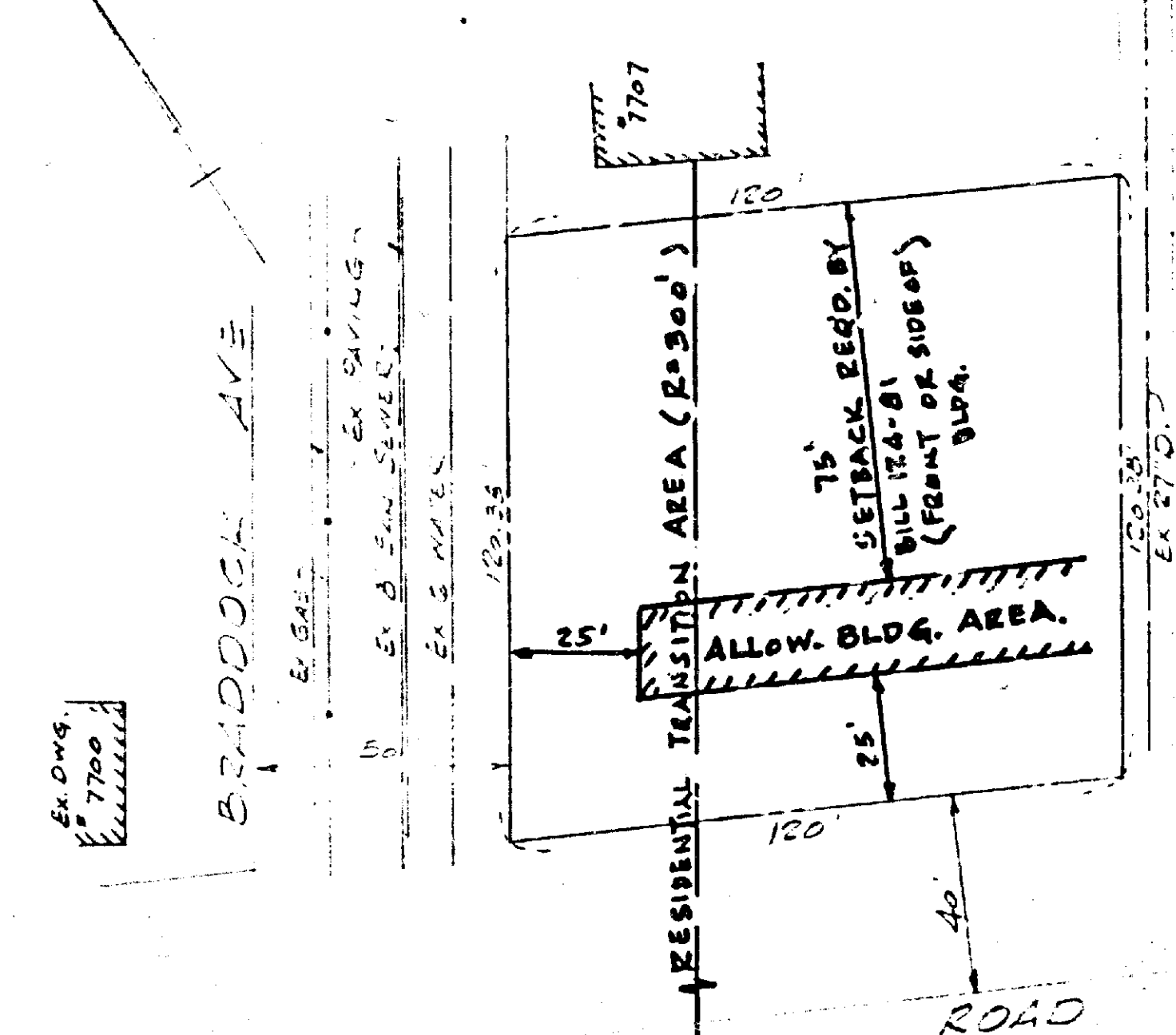
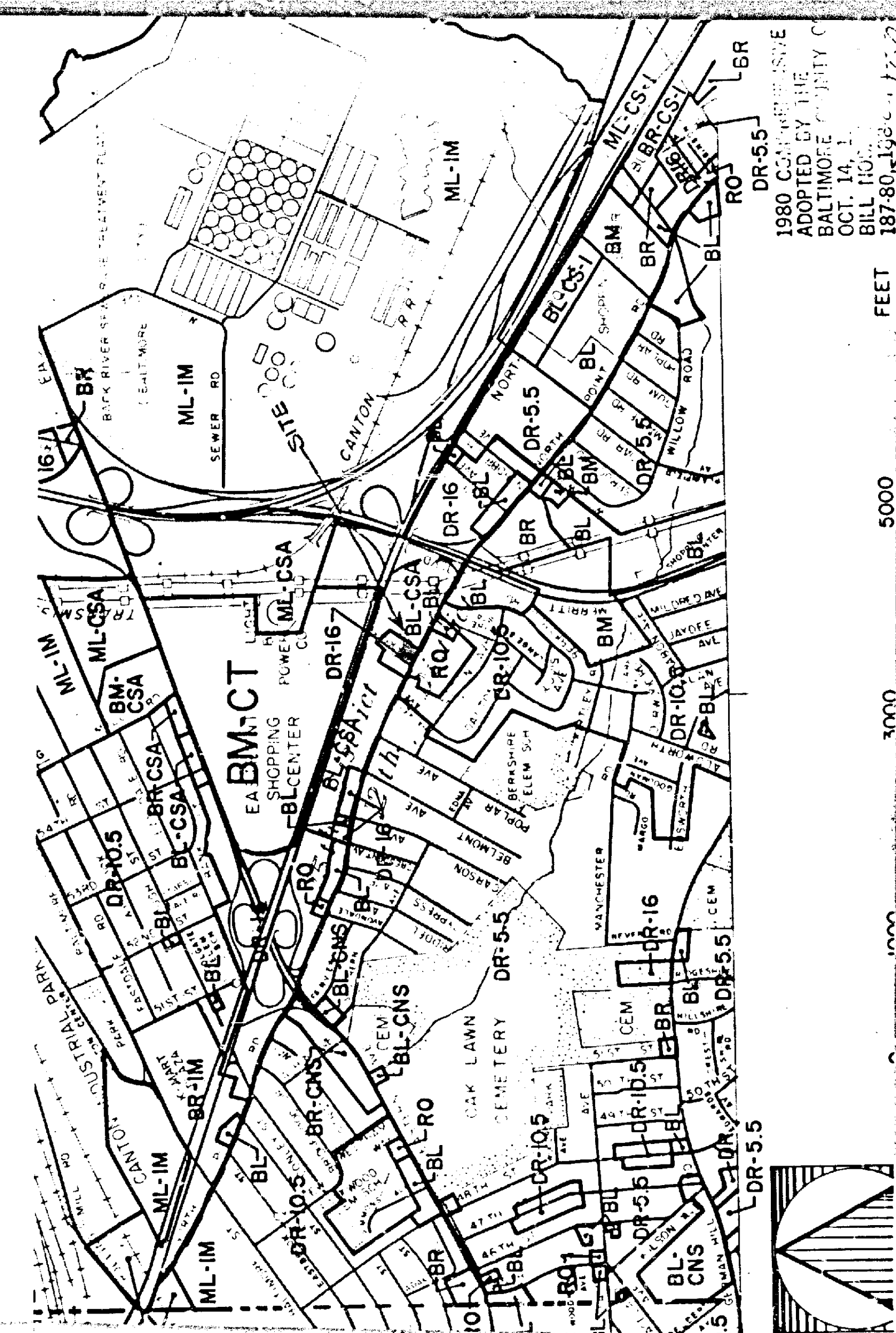
The Times

Middle River, Md. August 12, 1981

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of 24⁷⁵ successive weeks before the 2nd day of September, 1981
John D. W. [Signature] Publisher.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 100430
DATE 8/4/81 ACCOUNT 01-662
AMOUNT \$50.00
RECEIVED FROM John B. Conrum
FOR Warren A. Brill - Filing fee for Case #82-62
2889442 5 50.00
VALIDATION OR SIGNATURE OF CASHIER



Plot 443